

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED

In re:	:	Case No.:	19-20120-GLT	NOV -7 2019
	:	Chapter:	13	
Pascal R. Passaga	:			CLERK, U.S. BANKRUPTCY COURT WEST DIST. OF PENNSYLVANIA
Colleen M. Passaga	:			
	:	Date:	11/6/2019	
<i>Debtor(s).</i>	:	Time:	09:30	

PROCEEDING MEMO

MATTER: #35 - Debtor's Objection to Claim #14 by Sysco Corporation and Sysco Pittsburgh, LLC
#41 - Response by Sysco Corporation & Sysco Pgh, LLC
#44 - Debtor's Supplement to Objection to Claim

APPEARANCES:

Debtor: Julie Steidl
Trustee: Kate Disimone
Sysco: Jennifer Richnafsky

NOTES:

Steidl: The problem here is that it was a late-filed claim and it would only get paid if a windfall would happen.

Richnafsky: The proof of claim was only filed 2 days after the deadline, it was a scheduled claim, it arose from a state court judgement and Debtor didn't provide proper notice of the bankruptcy proceedings. At minimum we should be allowed to re-file our proof of claim.

Court: I'm limited to allow a claim by Rule 3002. Is there a basis that Rule 3002(c) would allow this late-filed claim?

Richnafsky: This isn't a claim in dispute because it's from a state court judgment.

Court: Is this a secured claim?

Richnafsky: Yes. We only found out about the filing because I was checking out recent bankruptcy filing. All notices were sent to a wrong address we haven't used in multiple years, while the Debtor has actually appeared at our current address.

Steidl: It's not a secured claim, because it's only against Debtor husband.

Court: You can have 30 days to conference together. And there does seem to be a notice issue. It would behoove all involved to take note of these cases: In re Somerville, 605 B.R. 700 (2019) and In re Heyden 570 B.R. 489 (2017).

OUTCOME:

1. Debtor's *Objection to Claim #14 by Sysco Corporation and Sysco Pittsburgh, LLC* [Dkt. No. 35] is CONTINUED to December 18, 2019 at 9:00 am. [Text Order to Issue]

2. On or before December 11, 2019, the parties must file a joint status report. [Text Order to Issue]

DATED: 11/6/2019